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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,518	10/24/2000	Christian Volf Olgaard	11602.00.0005	3116
23418	7590	11/13/2008		
VEDDER PRICE P.C. 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER CHRISTENSEN, SCOTT B	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/695,518

**Applicant(s)**

OLGAARD ET AL.

**Examiner**

Scott Christensen

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-14, 17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8-14, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in regards to the most recent papers filed on 8/21/2008.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/2008 has been entered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-14, and 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,633,759).
5. Regarding claims 1, 9, and 17, Kobayashi disclosed a method comprising submitting information about the interface client along a first wireless communication path to the wireless device in proximity of the interface client (see column 9, lines 40-45; column 13, lines 7-17), wherein the information about the interface client includes at

least information about display capabilities of the interface client (see column 14, lines 12-15) including at least one of visual display size and visual graphical display characteristics (see column 8, lines 47-67); determining that the interface client is usable to display the content based at least on the information about the display capabilities of the interface client (see column 14, lines 15-25); receiving the content along a second wireless communication path from a remote source and conveying the content via the wireless device to the interface client along the first wireless communication path (see column 5, lines 3-14; column 13, line 62 through column 14, line 6; column 2, lines 37-39; column 4, lines 30-31); and displaying the content on a display of the interface client (see column 2, lines 39-40; column 4, line 32; column 13, lines 7-17; column 14, lines 9-11). Kobayashi disclosed a system comprising an interface client adapted for submitting information about the interface client (see column 4, line 21) along a first wireless communication path (see column 4, lines 24-25) to a wireless device (see column 4, line 23) in proximity of the interface client, the interface client having a displaying adapted for displaying the content received by the interface client along the first wireless communication path (see column 4, lines 30-32), wherein the information about the interface client includes at least information about display capabilities of the interface client (see column 14, lines 12-15); and a remote source, adapted to determine that the interface client is usable to display the content based at least on the information about the display capabilities of the interface client (see column 14, lines 15-25) including at least one of visual display size and visual graphical display characteristics (see column 8, lines 47-67); the wireless device adapted for receiving

the content along a second wireless communication path from the remote source (see column 4, lines 39-47) and conveying the content to the interface client along the first wireless communication path (see column 4, lines 30-32; column 13, lines 7-17); wherein one of the interface client, the wireless device and the remote source is adapted to format the content based on the submitted information from the interface client (see column 10, line 65 through column 11, line 3).

6. Regarding claims 2 and 10, Kobayashi disclosed receiving a signal from the wireless device when the wireless device is in proximity of the interface client prior to submitting the information about the interface client to the wireless device (see column 9, lines 34-36; column 12, lines 8-10, 54-60).

7. Regarding claims 3 and 11, Kobayashi disclosed the signal from the wireless device transmitted from the wireless device in response to a prior signal transmitted from the interface client (see column 2, lines 35-37; column 9, lines 27-28; column 12, lines 1-2, 52-53).

8. Regarding claims 4 and 12, Kobayashi disclosed the signal from the wireless device including information identifying a user of the wireless device (see column 9, lines 34-36).

9. Regarding claims 5 and 13, Kobayashi disclosed the information about the interface client including information about the capabilities of the interface client (see column 9, lines 40-45) and information about an input device of the interface client (see column 12, lines 25-27; column 13, lines 7-17).

10. Regarding claims 6, 14, and 19, Kobayashi disclosed the remote source as a server (see column 4, lines 44-47).

11. Regarding claims 8 and 20, Kobayashi disclosed the content formatted based on the submitted information about the interface client (see column 12, lines 22-32).

### ***Response to Arguments***

12. Applicant's arguments filed 07/16/07 have been fully considered but they are not persuasive.

13. Applicant has amended independent claims 1, 9, and 17 with the phrase "including at least one of visual display size and visual graphic display characteristics," and generally alleged that Kobayashi was silent with respect to these features.

14. However, "visual display characteristics," as currently claims, can be any information regarding a display, whether that is information on what can be displayed (e.g. resolution, color depth, etc.), or information on what is to be displayed (as this information is the characteristics of what is to be displayed). If Applicant wishes the claim to be limited to be the information on what the display is capable of displaying, the instant claim should be amended to reflect as much.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./  
Examiner, Art Unit 2444  
/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444